

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 383\*

Short Title: Clarify Statutory Scheme/Sex Offenses. (Public)

Sponsors: Representatives Glazier, Stam, Jordan, and Faircloth (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary II.

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE, RENAME, AND RENUMBER VARIOUS SEXUAL  
OFFENSES TO MAKE THEM MORE EASILY DISTINGUISHABLE FROM ONE  
ANOTHER AS RECOMMENDED BY THE NORTH CAROLINA COURT OF  
APPEALS IN "STATE OF NORTH CAROLINA V. SLADE WESTON HICKS, JR."

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new  
Article to read:

"Article 7B.

"Rape and other Sex Offenses.

**SECTION 2.** G.S. 14-27.1 is recodified as G.S. 14-27.20 under Article 7B of the  
General Statutes as created by Section 1 of this act.

**SECTION 3.(a)** G.S. 14-27.2 is recodified as G.S. 14-27.21 under Article 7B of  
the General Statutes as created by Section 1 of this act.

**SECTION 3.(b)** G.S. 14-27.2, recodified as G.S. 14-27.21 by subsection (a) of this  
section, reads as rewritten:

**"§ 14-27.21. First-degree forcible rape.**

(a) A person is guilty of ~~rape in the first-degree~~ forcible rape if the person engages in  
vaginal intercourse:

(1) ~~With a victim who is a child under the age of 13 years and the defendant is  
at least 12 years old and is at least four years older than the victim; or~~

(2) ~~With intercourse with another person by force and against the will of the  
other person, and does any of the following:~~

a.(1) Employs or displays a dangerous or deadly weapon or an article  
which the other person reasonably believes to be a dangerous or  
deadly ~~weapon; or~~ weapon.

b.(2) Inflicts serious personal injury upon the victim or another ~~person; or~~  
person.

e.(3) The person commits the offense aided and abetted by one or more  
other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1  
felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of  
or rights of inheritance from any child born as a result of the commission of the rape, nor shall



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1 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
2 of the General Statutes."

3 **SECTION 4.(a)** G.S. 14-27.3 is recodified as G.S. 14-27.22 under Article 7B of  
4 the General Statutes.

5 **SECTION 4.(b)** G.S. 14-27.3, recodified as G.S. 14-27.22 by subsection (a) of this  
6 section, reads as rewritten:

7 "**§ 14-27.22. Second-degree forcible rape.**

8 (a) A person is guilty of ~~rape in the second degree~~ second-degree forcible rape if the  
9 person engages in vaginal intercourse with another person:

10 (1) By force and against the will of the other person; or

11 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and  
12 the person performing the act knows or should reasonably know the other  
13 person is mentally disabled, mentally incapacitated, or physically helpless.

14 (b) Any person who commits the offense defined in this section is guilty of a Class C  
15 felony.

16 (c) Upon conviction, a person convicted under this section has no rights to custody of  
17 or rights of inheritance from any child conceived during the commission of the rape, nor shall  
18 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
19 of the General Statutes."

20 **SECTION 5.(a)** G.S. 14-27.2A is recodified as G.S. 14-27.23 under Article 7B of  
21 the General Statutes.

22 **SECTION 5.(b)** G.S. 14-27.2A, recodified as G.S. 14-27.23 by subsection (a) of  
23 this section, reads as rewritten:

24 "**§ 14-27.23. Rape of a child; adult offender. Statutory rape of a child by an adult.**

25 (a) A person is guilty of ~~rape of a child~~ statutory rape of a child by an adult if the  
26 person is at least 18 years of age and engages in vaginal intercourse with a victim who is a  
27 child under the age of 13 years.

28 ...

29 (e) The offense under ~~G.S. 14-27.2(a)(1)~~ G.S. 14-27.24 is a lesser included offense of  
30 the offense in this section."

31 **SECTION 6.** Article 7B of Chapter 14 of the General Statutes as created by  
32 Section 1 of this act is amended by adding a new section to read:

33 "**§ 14-27.24. First-degree statutory rape.**

34 (a) A person is guilty of first-degree statutory rape if the person engages in vaginal  
35 intercourse with a victim who is a child under the age of 13 years and the defendant is at least  
36 12 years old and is at least four years older than the victim.

37 (b) Any person who commits an offense defined in this section is guilty of a Class B1  
38 felony.

39 (c) Upon conviction, a person convicted under this section has no rights to custody of  
40 or rights of inheritance from any child born as a result of the commission of the rape, nor shall  
41 the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B  
42 of the General Statutes."

43 **SECTION 7.(a)** G.S. 14-27.7A is recodified as G.S. 14-27.25 under Article 7B of  
44 Chapter 14 of the General Statutes.

45 **SECTION 7.(b)** G.S. 14-27.7A, recodified as G.S. 14-27.25 by subsection (a) of  
46 this section, reads as rewritten:

47 "**§ 14-27.25. Statutory rape or sexual offense of person who is 13, 14, or 15 years old.**

48 (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal  
49 intercourse ~~or a sexual act~~ with another person who is 13, 14, or 15 years old and the defendant  
50 is at least six years older than the person, except when the defendant is lawfully married to the  
51 person.

1 (b) A defendant is guilty of a Class C felony if the defendant engages in vaginal  
2 intercourse ~~or a sexual act~~ with another person who is 13, 14, or 15 years old and the defendant  
3 is more than four but less than six years older than the person, except when the defendant is  
4 lawfully married to the person."

5 **SECTION 8.(a)** G.S. 14-27.4 is recodified as G.S. 14-27.26 under Article 7B of  
6 Chapter 14 of the General Statutes.

7 **SECTION 8.(b)** G.S. 14-27.4, recodified as G.S. 14-27.26 by subsection (a) of this  
8 section, reads as rewritten:

9 "**§ 14-27.26. First-degree forcible sexual offense.**

10 (a) A person is guilty of a ~~sexual offense in the first degree~~ forcible sexual offense if the  
11 person engages in a sexual ~~act~~:

12 (1) ~~With a victim who is a child under the age of 13 years and the defendant is~~  
13 ~~at least 12 years old and is at least four years older than the victim; or~~

14 (2) ~~With~~ act with another person by force and against the will of the other  
15 person, ~~and~~ and does any of the following:

16 a-(1) Employs or displays a dangerous or deadly weapon or an article  
17 which the other person reasonably believes to be a dangerous or  
18 deadly ~~weapon; or~~ weapon.

19 b-(2) Inflicts serious personal injury upon the victim or another ~~person;~~  
20 ~~or~~ person.

21 e-(3) The person commits the offense aided and abetted by one or more  
22 other persons.

23 (b) Any person who commits an offense defined in this section is guilty of a Class B1  
24 felony."

25 **SECTION 9.(a)** G.S. 14-27.5 is recodified as G.S. 14-27.27 under Article 7B of  
26 Chapter 14 of the General Statutes.

27 **SECTION 9.(b)** G.S. 14-27.5, recodified as G.S. 14-27.27 by subsection (a) of this  
28 section, reads as rewritten:

29 "**§ 14-27.27. Second-degree forcible sexual offense.**

30 (a) A person is guilty of a ~~sexual offense in the second degree~~ forcible sexual offense if  
31 the person engages in a sexual act with another person:

32 (1) By force and against the will of the other person; or

33 (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and  
34 the person performing the act knows or should reasonably know that the  
35 other person is mentally disabled, mentally incapacitated, or physically  
36 helpless.

37 (b) Any person who commits the offense defined in this section is guilty of a Class  
38 C felony."

39 **SECTION 10.(a)** G.S. 14-27.4A is recodified as G.S. 14-27.28 under Article 7B of  
40 Chapter 14 of the General Statutes as created by Section 1 of this act.

41 **SECTION 10.(b)** G.S. 14-27.4A, recodified as G.S. 14-27.28 by subsection (a) of  
42 this section, reads as rewritten:

43 "**§ 14-27.28. ~~Sexual offense with a child; adult offender.~~ Statutory sexual offense with a**  
44 **child by an adult.**

45 (a) A person is guilty of ~~sexual offense with a child~~ statutory sexual offense with a  
46 child by an adult if the person is at least 18 years of age and engages in a sexual act with a  
47 victim who is a child under the age of 13 years.

48 ...

49 (d) The offense under ~~G.S. 14-27.4(a)(1)~~ G.S. 14-27.29 is a lesser included offense of  
50 the offense in this section."

1           **SECTION 11.** Article 7B of Chapter 14 of the General Statutes as created by  
2 Section 1 of this act is amended by adding a new section to read:

3 **"§ 14-27.29. First-degree statutory sexual offense.**

4           (a) A person is guilty of first-degree statutory sexual offense if the person engages in a  
5 sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12  
6 years old and is at least four years older than the victim.

7           (b) Any person who commits an offense defined in this section is guilty of a Class B1  
8 felony."

9           **SECTION 12.** Article 7B of Chapter 14 of the General Statutes as created by  
10 Section 1 of this act is amended by adding the following new section:

11 **"§ 14-27.30. Statutory sexual offense against a person who is 13, 14, or 15 years old.**

12           (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act  
13 with another person who is 13, 14, or 15 years old and the defendant is at least six years older  
14 than the person, except when the defendant is lawfully married to the person.

15           (b) A defendant is guilty of a Class C felony if the defendant engages in a sexual act  
16 with another person who is 13, 14, or 15 years old and the defendant is more than four but less  
17 than six years older than the person, except when the defendant is lawfully married to the  
18 person."

19           **SECTION 13.(a)** G.S. 14-27.7(a) is recodified as G.S. 14-27.31 under Article 7B  
20 of Chapter 14 of the General Statutes as created by Section 1 of this act.

21           **SECTION 13.(b)** G.S. 14-27.7(a), recodified as G.S. 14-27.31 by subsection (a) of  
22 this section, reads as rewritten:

23 **"§ 14-27.31. ~~Intercourse and sexual offenses with certain victims; consent no~~**  
24 **defense. Sexual activity by a substitute parent or custodian.**

25           (a) ~~If a defendant who has assumed the position of a parent in the home of a minor~~  
26 ~~victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in~~  
27 ~~the home, or if a person having custody of a victim of any age or a person who is an agent or~~  
28 ~~employee of any person, or institution, whether such institution is private, charitable, or~~  
29 ~~governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual~~  
30 ~~act with such victim, home, the defendant is guilty of a Class E felony.~~

31           (b) If a person having custody of a victim of any age or a person who is an agent or  
32 employee of any person, or institution, whether such institution is private, charitable, or  
33 governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual  
34 act with such victim, the defendant is guilty of a Class E felony.

35           (c) Consent is not a defense to a charge under this section."

36           **SECTION 14.(a)** G.S. 14-27.7(b) is recodified as G.S. 14-27.32 under Article 7B  
37 of Chapter 14 of the General Statutes as created by Section 1 of this act.

38           **SECTION 14.(b)** G.S. 14-27.7(b), recodified as G.S. 14-27.32 by subsection (a) of  
39 this section, reads as rewritten:

40 **"§ 14-27.32. Sexual activity with a student.**

41           ~~(a)~~(a) If a defendant, who is a teacher, school administrator, student teacher, school safety  
42 officer, or coach, at any age, or who is other school personnel, and who is at least four years  
43 older than the victim engages in vaginal intercourse or a sexual act with a victim who is a  
44 student, at any time during or after the time the defendant and victim were present together in  
45 the same school, but before the victim ceases to be a student, the defendant is guilty of a Class  
46 G felony, except when the defendant is lawfully married to the student. The term "same school"  
47 means a school at which the student is enrolled and the defendant is employed, assigned, or  
48 volunteers.

49           (b) A defendant who is school personnel, other than a teacher, school administrator,  
50 student teacher, school safety officer, or coach, and is less than four years older than the victim

1 and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a  
2 Class A1 misdemeanor.

3 (c) This ~~subsection-section~~ shall apply unless the conduct is covered under some other  
4 provision of law providing for greater punishment.

5 (d) Consent is not a defense to a charge under this section.

6 (e) For purposes of this ~~subsection-section~~, the terms "school", "school personnel", and  
7 "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this ~~subsection-~~  
8 ~~section~~, the term "school safety officer" shall include a school resource officer or any other  
9 person who is regularly present in a school for the purpose of promoting and maintaining safe  
10 and orderly schools."

11 **SECTION 15.** G.S. 14-27.5A. is recodified as G.S. 14-27.33 under Article 7B of  
12 Chapter 14 of the General Statutes as created by Section 1 of this act. G.S. 14-27.8 through  
13 G.S. 14-27.10 are recodified as G.S. 14-27.34 through G.S. 14-27.36 under Article 7B of  
14 Chapter 14 of the General Statutes as created by Section 1 of this act.

15 **SECTION 16.** G.S. 14-202.4(d)(1) reads as rewritten:

16 "(d) For purposes of this section, the following definitions apply:

17 (1) "Indecent liberties" means:

- 18 a. Willfully taking or attempting to take any immoral, improper, or  
19 indecent liberties with a student for the purpose of arousing or  
20 gratifying sexual desire; or
- 21 b. Willfully committing or attempting to commit any lewd or lascivious  
22 act upon or with the body or any part or member of the body of a  
23 student.

24 For purposes of this section, the term indecent liberties does not include  
25 vaginal intercourse or a sexual act as defined by G.S. ~~14-27.1,14-27.20.~~"

26 **SECTION 17.** G.S. 14-203(5) reads as rewritten:

27 "(5) Prostitution. – The performance of, offer of, or agreement to perform vaginal  
28 intercourse, any sexual act as defined in G.S. ~~14-27.1,14-27.20,~~ or any  
29 sexual contact as defined in G.S. ~~14-27.1,14-27.20,~~ for the purpose of  
30 sexual arousal or gratification for any money or other consideration."

31 **SECTION 18.** G.S. 14-205.2(a) reads as rewritten:

32 "(a) Any person who willfully performs any of the following acts with a person not his  
33 or her spouse commits the offense of patronizing a prostitute:

- 34 (1) Engages in vaginal intercourse, any sexual act as defined in G.S. ~~14-27.1,~~  
35 ~~14-27.20,~~ or any sexual contact as defined in G.S. ~~14-27.1,14-27.20,~~ for the  
36 purpose of sexual arousal or gratification with a prostitute.
- 37 (2) Enters or remains in a place of prostitution with intent to engage in vaginal  
38 intercourse, any sexual act as defined in G.S. ~~14-27.1,14-27.20,~~ or any  
39 sexual contact as defined in G.S. ~~14-27.1,14-27.20,~~ for the purpose of  
40 sexual arousal or gratification."

41 **SECTION 19.** G.S. 15A-136 reads as rewritten:

42 "**§ 15A-136. Venue for sexual offenses.**

43 If a person is transported by any means, with the intent to violate any of the provisions of  
44 Article 7A of Chapter 14 (§ ~~14-27.1,14-27.20~~ et seq.) of the General Statutes and the intent is  
45 followed by actual violation thereof, the defendant may be tried in the county where  
46 transportation was offered, solicited, begun, continued or ended."

47 **SECTION 20.** G.S. 50-16.1A(3) reads as rewritten:

48 "(3) "Marital misconduct" means any of the following acts that occur during the  
49 marriage and prior to or on the date of separation:

- 50 a. Illicit sexual behavior. For the purpose of this section, illicit sexual  
51 behavior means acts of sexual or deviate sexual intercourse, deviate

- 1 sexual acts, or sexual acts defined in G.S. ~~14-27.1(4)~~,14-27.20(4),  
2 voluntarily engaged in by a spouse with someone other than the other  
3 spouse;  
4 b. Involuntary separation of the spouses in consequence of a criminal  
5 act committed prior to the proceeding in which alimony is sought;  
6 c. Abandonment of the other spouse;  
7 d. Malicious turning out-of-doors of the other spouse;  
8 e. Cruel or barbarous treatment endangering the life of the other spouse;  
9 f. Indignities rendering the condition of the other spouse intolerable  
10 and life burdensome;  
11 g. Reckless spending of the income of either party, or the destruction,  
12 waste, diversion, or concealment of assets;  
13 h. Excessive use of alcohol or drugs so as to render the condition of the  
14 other spouse intolerable and life burdensome;  
15 i. Willful failure to provide necessary subsistence according to one's  
16 means and condition so as to render the condition of the other spouse  
17 intolerable and life burdensome."

18 **SECTION 21.** G.S. 7B-101(1) reads as rewritten:

- 19 "(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent,  
20 guardian, custodian, or caretaker:  
21 a. Inflicts or allows to be inflicted upon the juvenile a serious physical  
22 injury by other than accidental means;  
23 b. Creates or allows to be created a substantial risk of serious physical  
24 injury to the juvenile by other than accidental means;  
25 c. Uses or allows to be used upon the juvenile cruel or grossly  
26 inappropriate procedures or cruel or grossly inappropriate devices to  
27 modify behavior;  
28 d. Commits, permits, or encourages the commission of a violation of  
29 the following laws by, with, or upon the juvenile: first-degree rape,  
30 as provided in G.S. ~~14-27.2~~,14-27.21; rape of a child by an adult  
31 offender, as provided in G.S. ~~14-27.2A~~,14-27.23; second degree rape  
32 as provided in G.S. ~~14-27.3~~,14-27.22; first-degree sexual offense, as  
33 provided in G.S. ~~14-27.4~~,14-27.26; sexual offense with a child by an  
34 adult offender, as provided in G.S. ~~14-27.4A~~,14-27.28; second  
35 degree sexual offense, as provided in G.S. ~~14-27.5~~,14-27.27; sexual  
36 act by a custodian, as provided in G.S. ~~14-27.7~~,14-27.31; unlawful  
37 sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14;  
38 crime against nature, as provided in G.S. 14-177; incest, as provided  
39 in G.S. 14-178; preparation of obscene photographs, slides, or  
40 motion pictures of the juvenile, as provided in G.S. 14-190.5;  
41 employing or permitting the juvenile to assist in a violation of the  
42 obscenity laws as provided in G.S. 14-190.6; dissemination of  
43 obscene material to the juvenile as provided in G.S. 14-190.7 and  
44 G.S. 14-190.8; displaying or disseminating material harmful to the  
45 juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and  
46 second degree sexual exploitation of the juvenile as provided in  
47 G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the  
48 juvenile as provided in G.S. 14-205.3(b); and taking indecent  
49 liberties with the juvenile, as provided in G.S. 14-202.1;  
50 e. Creates or allows to be created serious emotional damage to the  
51 juvenile; serious emotional damage is evidenced by a juvenile's

1 severe anxiety, depression, withdrawal, or aggressive behavior  
2 toward himself or others;

3 f. Encourages, directs, or approves of delinquent acts involving moral  
4 turpitude committed by the juvenile; or

5 g. Commits or allows to be committed an offense under G.S. 14-43.11  
6 (human trafficking), G.S. 14-43.12 (involuntary servitude), or  
7 G.S. 14-43.13 (sexual servitude) against the child."

8 **SECTION 22.** G.S. 7B-401.1(b) reads as rewritten:

9 "(b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

10 (1) The parent's rights have been terminated.

11 (2) The parent has relinquished the juvenile for adoption, unless the court orders  
12 that the parent be made a party.

13 (3) The parent has been convicted under G.S. ~~14-27.2~~14-27.21 or  
14 G.S. ~~14-27.3~~14-27.22 for an offense that resulted in the conception of the  
15 juvenile."

16 **SECTION 23.** G.S. 7B-1103(c) reads as rewritten:

17 "(c) No person whose actions resulted in a conviction under G.S. ~~14-27.2~~14-27.2 or  
18 G.S. ~~14-27.3~~14-27.22 and the conception of the juvenile may file a petition to terminate the  
19 parental rights of another with respect to that juvenile."

20 **SECTION 24.** G.S. 7B-1104(3) reads as rewritten:

21 "(3) The name and address of the parents of the juvenile. If the name or address  
22 of one or both parents is unknown to the petitioner or movant, the petitioner  
23 or movant shall set forth with particularity the petitioner's or movant's efforts  
24 to ascertain the identity or whereabouts of the parent or parents. The  
25 information may be contained in an affidavit attached to the petition or  
26 motion and incorporated therein by reference. A person whose actions  
27 resulted in a conviction under G.S. ~~14-27.2~~14-27.21 or G.S. ~~14-27.3~~14-27.22  
28 and the conception of the juvenile need not be named in the petition."

29 **SECTION 25.** G.S. 7B-1602(a) reads as rewritten:

30 "(a) When a juvenile is committed to the Division for placement in a youth development  
31 center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree rape  
32 pursuant to G.S. ~~14-27.2~~14-27.21, or first-degree sexual offense pursuant to  
33 G.S. ~~14-27.4~~14-27.26 if committed by an adult, jurisdiction shall continue until terminated by  
34 order of the court or until the juvenile reaches the age of 21 years, whichever occurs first."

35 **SECTION 26.** G.S. 7B-2509 reads as rewritten:

36 **"§ 7B-2509. Registration of certain delinquent juveniles.**

37 In any case in which a juvenile, who was at least 11 years of age at the time of the offense,  
38 is adjudicated delinquent for committing a violation of G.S. ~~14-27.2~~14-27.21 (first-degree  
39 rape), G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.4 (first-degree sexual  
40 offense), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense), or G.S. 14-27.6 (attempted rape  
41 or sexual offense), the judge, upon a finding that the juvenile is a danger to the community,  
42 may order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of  
43 the General Statutes."

44 **SECTION 27.** G.S. 7B-2513(a)(1) reads as rewritten:

45 "(1) The twenty-first birthday of the juvenile if the juvenile has been committed  
46 to the Division for an offense that would be first-degree murder pursuant to  
47 G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2~~14-27.21, or  
48 first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed  
49 by an adult;"

50 **SECTION 28.** G.S. 7B-2514(c)(2) reads as rewritten:

1           "(2) The juvenile's twenty-first birthday if the juvenile has been committed to the  
2           Division for an offense that would be first-degree murder pursuant to  
3           G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2, 14-27.21~~, or  
4           first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed  
5           by an adult."

6           **SECTION 29.** G.S. 7B-2516(c)(1) reads as rewritten:

7           "(1) The juvenile's twenty-first birthday if the juvenile has been committed to the  
8           Division for an offense that would be first-degree murder pursuant to  
9           G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2, 14-27.2~~, or  
10          first-degree sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed  
11          by an adult."

12          **SECTION 30.** G.S. 7B-2600(c) reads as rewritten:

13          "(c) In any case where the court finds the juvenile to be delinquent or undisciplined, the  
14          jurisdiction of the court to modify any order or disposition made in the case shall continue (i)  
15          during the minority of the juvenile, (ii) until the juvenile reaches the age of 19 years if the  
16          juvenile has been adjudicated delinquent and committed to the Division for an offense that  
17          would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set  
18          forth in G.S. 7B-1602(a), (iii) until the juvenile reaches the age of 21 years if the juvenile has  
19          been adjudicated delinquent and committed for an offense that would be first-degree murder  
20          pursuant to G.S. 14-17, first-degree rape pursuant to G.S. ~~14-27.2, 14-27.2~~, or first-degree  
21          sexual offense pursuant to G.S. ~~14-27.4~~14-27.26 if committed by an adult, or (iv) until  
22          terminated by order of the court."

23          **SECTION 31.** G.S. 8-53.12(a)(7) reads as rewritten:

24          "(7) Sexual assault. - Any alleged violation of G.S. ~~14-27.2, 14-27.21,~~  
25          ~~14-27.3, 14-27.22,~~ ~~14-27.4, 14-27.26,~~ ~~14-27.5, 14-27.27,~~ ~~14-27.7, 14-27.31,~~  
26          ~~14-27.7A, 14-27.25,~~ or 14-202.1, whether or not a civil or criminal action  
27          arises as a result of the alleged violation."

28          **SECTION 32.** G.S. 14-208.6(5) reads as rewritten:

29          "(5) "Sexually violent offense" means a violation of G.S. ~~14-27.2~~14-27.21 (first  
30          degree rape), G.S. ~~14-27.2A~~14-27.23 (rape of a child; adult offender),  
31          G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.26 (first  
32          degree sexual offense), G.S. ~~14-27.4A~~14-27.28 (sex offense with a child;  
33          adult offender), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense),  
34          G.S. ~~14-27.5A~~14-27.33 (sexual battery), former G.S. 14-27.6 (attempted  
35          rape or sexual offense), G.S. ~~14-27.7~~14-27.31 (intercourse and sexual  
36          offense with certain victims), G.S. ~~14-27.7A(a)~~14-27.25(a) (statutory rape or  
37          sexual offense of person who is 13-, 14-, or 15-years-old where the  
38          defendant is at least six years older), G.S. 14-43.11 (human trafficking) if (i)  
39          the offense is committed against a minor who is less than 18 years of age or  
40          (ii) the offense is committed against any person with the intent that they be  
41          held in sexual servitude, G.S. 14-43.13 (subjecting or maintaining a person  
42          for sexual servitude), G.S. 14-178 (incest between near relatives),  
43          G.S. 14-190.6 (employing or permitting minor to assist in offenses against  
44          public morality and decency), G.S. 14-190.9(a1) (felonious indecent  
45          exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor),  
46          G.S. 14-190.17 (second degree sexual exploitation of a minor),  
47          G.S. 14-190.17A (third degree sexual exploitation of a minor),  
48          G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3  
49          (Solicitation of child by computer or certain other electronic devices to  
50          commit an unlawful sex act), G.S. 14-202.4(a) (taking indecent liberties with  
51          a student), G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or

1 a mentally disabled person), G.S. 14-205.3(b) (promoting prostitution of a  
2 minor or a mentally disabled person), G.S. 14-318.4(a1) (parent or caretaker  
3 commit or permit act of prostitution with or by a juvenile), or  
4 G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by  
5 parent or guardian). The term also includes the following: a solicitation or  
6 conspiracy to commit any of these offenses; aiding and abetting any of these  
7 offenses."

8 **SECTION 33.** G.S. 14-208.26(a) reads as rewritten:

9 "Part 4. Registration of Certain Juveniles Adjudicated for Committing Certain Offenses.

10 **"§ 14-208.26. Registration of certain juveniles adjudicated delinquent for committing**  
11 **certain offenses.**

12 "(a) When a juvenile is adjudicated delinquent for a violation of G.S. ~~14-27.2~~14-27.21  
13 (first degree rape), G.S. ~~14-27.3~~14-27.22 (second degree rape), G.S. ~~14-27.4~~14-27.26 (first  
14 degree sexual offense), G.S. ~~14-27.5~~14-27.27 (second degree sexual offense), or former  
15 G.S. 14-27.6 (attempted rape or sexual offense), and the juvenile was at least eleven years of  
16 age at the time of the commission of the offense, the court shall consider whether the juvenile is  
17 a danger to the community. If the court finds that the juvenile is a danger to the community,  
18 then the court shall consider whether the juvenile should be required to register with the county  
19 sheriff in accordance with this Part. The determination as to whether the juvenile is a danger to  
20 the community and whether the juvenile shall be ordered to register shall be made by the  
21 presiding judge at the dispositional hearing. If the judge rules that the juvenile is a danger to the  
22 community and that the juvenile shall register, then an order shall be entered requiring the  
23 juvenile to register. The court's findings regarding whether the juvenile is a danger to the  
24 community and whether the juvenile shall register shall be entered into the court record. No  
25 juvenile may be required to register under this Part unless the court first finds that the juvenile  
26 is a danger to the community.

27 A juvenile ordered to register under this Part shall register and maintain that registration as  
28 provided by this Part."

29 **SECTION 34.** G.S. 48-3-603(a)(9) reads as rewritten:

30 "(9) An individual whose actions resulted in a conviction under  
31 G.S. ~~14-27.2~~,14-27.21, G.S. ~~14-27.2A~~,14-27.23, or G.S. ~~14-27.3~~14-27.22  
32 and the conception of the minor to be adopted."

33 **SECTION 35.** G.S. 50-13.1(a) reads as rewritten:

34 "(a) Any parent, relative, or other person, agency, organization or institution claiming  
35 the right to custody of a minor child may institute an action or proceeding for the custody of  
36 such child, as hereinafter provided. Any person whose actions resulted in a conviction under  
37 G.S. ~~14-27.2~~,14-27.21, G.S. ~~14-27.2A~~,14-27.23, or G.S. ~~14-27.3~~14-27.22 and the conception of  
38 the minor child may not claim the right to custody of that minor child. Unless a contrary intent  
39 is clear, the word "custody" shall be deemed to include custody or visitation or both."

40 **SECTION 36.** G.S. 50B-1(a)(3) reads as rewritten:

41 "(3) Committing any act defined in G.S. ~~14-27.2~~14-27.21 through  
42 G.S. ~~14-27.7~~,14-27.31."

43 **SECTION 37.** G.S. 90-171.38(b) reads as rewritten:

44 "(b) Any individual, organization, association, corporation, or institution may establish a  
45 program for the purpose of training or educating any registered nurse licensed under  
46 G.S. 90-171.30, 90-171.32, or 90-171.33 in the skills, procedures, and techniques necessary to  
47 conduct examinations for the purpose of collecting evidence from the victims of first-degree  
48 rape as defined in G.S. ~~14-27.2~~,14-27.21, second-degree rape as defined in  
49 G.S. ~~14-27.3~~,14-27.22, statutory rape as defined in G.S. ~~14-27.7A~~,14-27.25, first-degree sexual  
50 offense as defined in G.S. ~~14-27.4~~,14-27.26, second-degree sexual offense as defined in  
51 G.S. ~~14-27.5~~14-27.27 or attempted first-degree or second-degree rape or attempted first-degree

1 or second-degree sexual offense. The Board, pursuant to G.S. 90-171.23(b)(14), shall establish,  
2 revise, or repeal standards for any such program. Any individual, organization, association,  
3 corporation, or institution which desires to establish a program under this subsection shall apply  
4 to the Board and submit satisfactory evidence that it will meet the standards prescribed by the  
5 Board."

6 **SECTION 38.** G.S. 143B-1200(i)(3) reads as rewritten:

7 "(3) Sexual assault. – Any of the following crimes:

- 8 a. First-degree rape as defined in G.S. ~~14-27.2~~14-27.21.
- 9 b. Second degree rape as defined in G.S. ~~14-27.3~~14-27.22.
- 10 c. First-degree sexual offense as defined in G.S. ~~14-27.4~~14-27.26.
- 11 d. Second degree sexual offense as defined in G.S. ~~14-27.5~~14-27.27.
- 12 e. Statutory rape as defined in G.S. ~~14-27.7A~~14-27.25."

13 **SECTION 39.** G.S. 14-401.16(c) reads as rewritten:

14 "(c) A violation of this section is a Class H felony. However, if a person violates this  
15 section with the intent of committing an offense under G.S. ~~14-27.3~~14-27.22 or  
16 G.S. ~~14-27.5~~14-27.27, the violation is a Class G felony."

17 **SECTION 40.** G.S. 14-208.40(a)(3) reads as rewritten:

18 "(3) Any offender who is convicted of G.S. ~~14-27.2A~~14-27.23 or  
19 G.S. ~~14-27.4A~~14-27.28, who shall be enrolled in the satellite-based  
20 monitoring program for the offender's natural life upon termination of the  
21 offender's active punishment."

22 **SECTION 41.** G.S. 4-208.40A reads as rewritten:

23 **"§ 14-208.40A. Determination of satellite-based monitoring requirement by court.**

24 (a) When an offender is convicted of a reportable conviction as defined by  
25 G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the court  
26 any evidence that (i) the offender has been classified as a sexually violent predator pursuant to  
27 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated  
28 offense, (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or  
29 G.S. ~~14-27.4A~~14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a  
30 minor. The district attorney shall have no discretion to withhold any evidence required to be  
31 submitted to the court pursuant to this subsection.

32 The offender shall be allowed to present to the court any evidence that the district attorney's  
33 evidence is not correct.

34 (b) After receipt of the evidence from the parties, the court shall determine whether the  
35 offender's conviction places the offender in one of the categories described in  
36 G.S. 14-208.40(a), and if so, shall make a finding of fact of that determination, specifying  
37 whether (i) the offender has been classified as a sexually violent predator pursuant to  
38 G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an aggravated  
39 offense, (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or  
40 G.S. ~~14-27.4A~~14-27.28, or (v) the offense involved the physical, mental, or sexual abuse of a  
41 minor.

42 (c) If the court finds that the offender has been classified as a sexually violent predator,  
43 is a recidivist, has committed an aggravated offense, or was convicted of  
44 G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28, the court shall order the offender to enroll  
45 in a satellite-based monitoring program for life.

46 (d) If the court finds that the offender committed an offense that involved the physical,  
47 mental, or sexual abuse of a minor, that the offense is not an aggravated offense or a violation  
48 of G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28 and the offender is not a recidivist, the  
49 court shall order that the Division of Adult Correction do a risk assessment of the offender. The  
50 Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to  
51 complete the risk assessment of the offender and report the results to the court.

1 (e) Upon receipt of a risk assessment from the Division of Adult Correction pursuant to  
2 subsection (d) of this section, the court shall determine whether, based on the Division of Adult  
3 Correction's risk assessment, the offender requires the highest possible level of supervision and  
4 monitoring. If the court determines that the offender does require the highest possible level of  
5 supervision and monitoring, the court shall order the offender to enroll in a satellite-based  
6 monitoring program for a period of time to be specified by the court."

7 **SECTION 42.** G.S. 14-208.40B(c) reads as rewritten:

8 "(c) At the hearing, the court shall determine if the offender falls into one of the  
9 categories described in G.S. 14-208.40(a). The court shall hold the hearing and make findings  
10 of fact pursuant to G.S. 14-208.40A.

11 If the court finds that (i) the offender has been classified as a sexually violent predator  
12 pursuant to G.S. 14-208.20, (ii) the offender is a recidivist, (iii) the conviction offense was an  
13 aggravated offense, or (iv) the conviction offense was a violation of G.S. ~~14-27.2A~~14-27.23 or  
14 G.S. ~~14-27.4A~~14-27.4A, the court shall order the offender to enroll in satellite-based  
15 monitoring for life.

16 If the court finds that the offender committed an offense that involved the physical, mental,  
17 or sexual abuse of a minor, that the offense is not an aggravated offense or a violation of  
18 G.S. ~~14-27.2A~~14-27.23 or G.S. ~~14-27.4A~~14-27.28, and the offender is not a recidivist, the  
19 court shall order that the Division of Adult Correction do a risk assessment of the offender. The  
20 Division of Adult Correction shall have a minimum of 30 days, but not more than 60 days, to  
21 complete the risk assessment of the offender and report the results to the court. The Division of  
22 Adult Correction may use a risk assessment of the offender done within six months of the date  
23 of the hearing.

24 Upon receipt of a risk assessment from the Division of Adult Correction, the court shall  
25 determine whether, based on the Division of Adult Correction's risk assessment, the offender  
26 requires the highest possible level of supervision and monitoring. If the court determines that  
27 the offender does require the highest possible level of supervision and monitoring, the court  
28 shall order the offender to enroll in a satellite-based monitoring program for a period of time to  
29 be specified by the court."

30 **SECTION 43.** G.S. 15A-145.5(a)(4) reads as rewritten:

31 "(4) Any of the following sex-related or stalking offenses:  
32 G.S. ~~14-27.7A(b)~~14-27.25(b), 14-190.7, 14-190.8, 14-190.9, 14-202,  
33 14-208.11A, 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

34 **SECTION 44.** G.S. 15A-145.4(5) reads as rewritten:

35 "(5) Any felony offense under the following sex-related or stalking offenses:  
36 G.S. ~~14-27.7A(b)~~14-27.25(b), 14-190.7, 14-190.8, 14-202, 14-208.11A,  
37 14-208.18, 14-277.3, 14-277.3A, 14-321.1."

38 **SECTION 45.** G.S. 90-210.25B(b) reads as rewritten:

39 "(b) For purposes of this Article, the term "sexual offense against a minor" means a  
40 conviction of any of the following offenses: G.S. ~~14-27.4A(a)~~14-27.28(a) (sex offense with a  
41 child; adult offender), G.S. ~~14-27.7A~~14-27.25 (statutory rape or sexual offense of person who  
42 is 13, 14, or 15 years old where the defendant is at least six years older), G.S. 14-190.16  
43 (first-degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation  
44 of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18  
45 (promoting prostitution of a minor), G.S. 14-190.19 (participating in prostitution of a minor),  
46 G.S. 14-202.1 (taking indecent liberties with children), G.S. 14-202.3 (solicitation of child by  
47 computer or certain other electronic devices to commit an unlawful sex act), G.S. 14-202.4(a)  
48 (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or  
49 permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing  
50 of sexual act upon a juvenile by parent or guardian). The term shall also include a conviction of  
51 the following: any attempt, solicitation, or conspiracy to commit any of these offenses or any

1 aiding and abetting any of these offenses. The term shall also include a conviction in another  
2 jurisdiction for an offense which if committed in this State has the same or substantially similar  
3 elements to an offense against a minor as defined by this section."

4 **SECTION 46.** G.S. 15A-290(c)(1) reads as rewritten:

5 "(1) Any felony offense against a minor, including any violation of  
6 G.S. ~~14-27.7~~14-27.31 (Intercourse and sexual offenses with certain victims;  
7 consent no defense), G.S. 14-41 (Abduction of children), G.S. 14-43.11  
8 (Human trafficking), G.S. 14-43.12 (Involuntary servitude), G.S. 14-43.13  
9 (Sexual servitude), G.S. 14-190.16 (First degree sexual exploitation of a  
10 minor), G.S. 14-190.17 (Second degree sexual exploitation of a minor),  
11 G.S. 14-202.1 (Taking indecent liberties with children), G.S. 14-205.2(c) or  
12 (d) (Patronizing a prostitute who is a minor or a mentally disabled person),  
13 or G.S. 14-205.3(b) (Promoting prostitution of a minor or a mentally  
14 disabled person)."

15 **SECTION 16.** The Revisor of Statutes may correct statutory references as required  
16 by this act, throughout the General Statutes. In making the changes authorized by this act, the  
17 Revisor may also adjust subject and verb agreement and the placement of conjunctions.

18 **SECTION 17.** This act becomes effective October 1, 2015. Prosecutions for  
19 offenses committed before the effective date of this act are not abated or affected by this act  
20 and the statutes that would be applicable but for this act remain applicable to those  
21 prosecutions.